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PATENT

Attorney Docket No.: 8321-115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Bernhard Dietzschold *et al.*

Serial No.: 09/816,531

Filed: March 23, 2001

For: GENETICALLY ENGINEERED RABIES
RECOMBINANT VACCINE FOR
IMMUNIZATION OF STRAY DOGS
AND WILDLIFE

Group Art Unit: 1648

Examiner:
Laurie A. Scheiner

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Supplemental Response

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

This in further response to the Official Action dated March 19, 2002 (Paper No. 8) and in supplement to the response filed by Applicants on September 13, 2002. Applicants believe that no additional fees are due. However, if any other fees are due, please charge deposit account 50-0573.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

BY Amy McShane
DATE: 10/21/02

Oath

The oath was deemed defective for failing to provide the post office address of each inventor.

Submitted herewith is a Supplemental Declaration under 37 CFR §1.67, listing the names and addresses of each inventor.

Supplemental Response to Rejection Under 35 U.S.C. §102(a)

Claims 1-19 were rejected by the Examiner under 35 U.S.C. §102(a) as being anticipated by Morimoto *et al.* (*Journal of NeuroVirology*, October 2000). The Examiner noted in the office action that this rejection might be overcome by the filing of a declaration pursuant to MPEP 715.01(c). Also Applicant's response of September 13, 2002 noted that such a declaration was at that time being evaluated as a potential response.

Therefore, submitted herewith is the Declaration of Bernhard Dietzschold, Ph.D. under 37 C.F.R. §1.132 ("Dietzschold Declaration") containing Dr. Dietzschold's sworn statement that co-authors Morimoto, Foley and McGettigan made no inventive contribution to the subject matter of the present patent application.

Based on the response of September 13, 2002 and the present supplement to that response, all claims are believed to be in condition for allowance. An early and favorable action toward that end is earnestly solicited.

Respectfully submitted,

BERNHARD DIETZSCHOLD, *et al.*

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